## III.   REMARKS

Claims 1-9 are pending in this application. By this amendment, 1, 3, 4 and 7 have been amended. The above amendments and the following remarks are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the above amendments and following remarks is respectfully requested.

1. Rejections under 35 U.S.C. §101

In the Office Action, claims 1-3 and 7-9 were rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants submit that the claimed subject matter is statutory and thus respectfully request withdrawal of the rejections for the reasons stated below.

First, claims 1-3 and 7-9 are directed to a method and a program product for "determining conflicting tasks of a business process[,]" which fall into process and machine categories. That is, claims 1-3 should be examined as a set of process claims and claims 7-9 should be examined as a set of product claims, both of which are included in 35 U.S.C. §101 as statutory subject matter. In addition, "[t]he question of whether a claim encompasses statutory subject matter should not focus on which of the four categories of subject matter a claim is directed to -- process, machine, manufacture, or composition of matter--but rather on the essential characteristics of the subject matter, in particular, its practical utility." State St. Bank & Trust Co. v. Signature Fin. Group, 149 F.3d 1368, 1375 (Fed. Cir. 1998). As stated below, claims 1-3

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and 7-9 contain practical utility. Applicants respectfully submit that in rejecting the current invention under 35 U.S.C. §101, the Office cited antiquated cases and unavoidably drew wrong conclusions.

Second, the claimed invention as a whole, as claimed in claims 1-3 and 7-9, accomplishes a practical application. Claims 1 and 7, e.g., include, *inter alia*, "establishing at least one assigned task performed by each person involved in the business process" and "determining... a conflicting task[.]" Assigning tasks and determining conflicting tasks are "useful, concrete and tangible result[s]." State Street, 149 F.3d at 1373. Those two steps are not just the transformation of data within a computer, instead, their results affect the business process and as a consequence create efficiency and productivity in the operation of the business process, which are obviously tangible results.

Third, with regard to claims 1-3, the claimed invention includes a physical transformation outside the computer because a physical business process is transformed to, and represented by, data before the data is entered into a computer. Specifically, with regards to claim 1, the current invention includes "to analyze electronic signals and data representative of the business process[.]" The business process, the component tasks and the separation of tasks are all tangible things. Before the operation of the method (claims 1-3), data needs to be created based on those tangible process and tasks. That is, a physical transformation (from tangible process and tasks to data) happens outside a computer.

Fourth, with regard to claims 7-9, the current invention includes a tangible product – "a computer useable medium" – and is thus not a purely abstract idea.

Fifth, with regard to claims 1-3 and 7-9, the claimed invention is limited to a practical application within the technological arts. As claimed in claims 1 and 7, e.g., the application of

the current invention is limited to "determining conflicting tasks of a business process[.]" Applicants respectfully submit that the Office is confusing the invention's broad application to any business process with lack of a tangible result.

In view of the foregoing, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §101.


2. Rejections under 35 U.S.C. §112

In the Office Action, claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. By this Amendment, claims 1, 3, 4 and 7 have been amended to address these rejections. Accordingly, Applicants respectfully request withdrawal of the rejections.

Specifically, with regard to the rejections of independent claims 1, 4 and 7 (Office Action at pages 3-4):

(a) Applicants respectfully submit that there is no confusion regarding the so-called plural "component tasks" and single "component task." The phrase "component tasks" is used to indicate the whole group of component tasks and the phrase "component task" is used to indicate "any other component task that conflicts with the component task[.]" The number of other component task that conflicts with the component task might be zero, or one, or more than one. So, in claim 1, Applicants use the phrase "any other component task" to indicate the varieties in the number;

(b) Applicants submit that step (b) and step (c) are two separate steps and their relationship is represented, *inter alia*, in step (d) where "each assigned component task" (result

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of step (c)) is compared with "component tasks that are identified to conflict with other

component tasks" (result of step (b)); and

(c) the phrase "reducing risk" in the preamble has been replaced by "determining

conflicting tasks" to clarify the claimed invention.

Accordingly, Applicants respectfully request withdrawal of the rejections.

With regard to claim 3, the step "addressing any conflict task" is a practically useful step

in the method of "determining conflicting tasks[,]" because if component tasks (involved in a

business process) are determined to conflict, this step can be taken to handle the conflicting tasks

by, e.g., re-assigning tasks and requiring administrative signature, etc.

With regard to the rejections of claims 5 and 8 (Office Action at page 4), the Office

asserted that the two claims "are vague because it's not clear how does [sic] the matrix helps to

explain the 'means for identifying?'" *Id.* Applicants respectfully traverse this rejection.

Applicants submit that claims 5 and 8 provide a specific embodiment, i.e., a matrix, that can be

used to realize the function of "identifying," and claims 5 and 8 are not vague because it is

appreciable to one with ordinary skill in the art that the matrix includes component tasks as

columns and rows, and marks on the matrix indicate two conflicting component tasks.

In addition, with regard to claims 5 and 8, the Office asserted that the claims are vague

because they use plural "conflicting tasks" instead of the singular "conflict task" used in the

relevant independent claims 4 and 7. Applicants respectfully traverse this assertion because the

plural "conflicting tasks" in claims 5 and 8 and the so-called "singular conflict task" in claims 4

and 7 are not the same. In claims 4 and 7, the phrase "a conflicting task" is used in the context of

"[determining] which of the at least one assigned task is *a conflicting task* [.]" (Emphasis

added). In claims 4 and 7, the phrase "a conflicting task" indicates a task that conflicts with

another task, so it is an individual conflicting task. By contrast, in claims 5 and 8, the phrase "conflicting tasks" is used in the context of "a matrix identifying *conflicting tasks*[.]" (Emphasis added). Here, it is plainly understandable that a matrix identifies all the conflicting tasks, as described in the specification. On the matrix, there would never be one single conflicting task because there must be *at least two tasks* for comparison to one another to determine whether they conflict. In view of the foregoing, Applicants respectfully request withdrawal of the rejections.
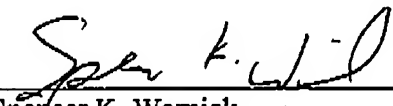
With regard to the rejections of claims 6 and 9, the Office asserted that the two claims "are vague because ... [h]ow can you [sic] compare a single task to a plural tasks." Office Action at page 4. Applicants respectfully traverse this assertion because it is clearly described in the specification that the each assigned component task may be compared with every component task of the business process on the matrix. Applicants respectfully traverse the assertion that a single task cannot be compared with plural tasks, because it is plainly understandable that a single assigned task can be compared with each and all of the conflicting tasks as indicated, for example, by the matrix. Accordingly, Applicants respectfully request withdrawal of the rejections.

Applicants respectfully submit that the application is in condition for allowance. Should

the Examiner believe that anything further is necessary to place the application in better

condition for allowance, he is requested to contact Applicants' undersigned attorney at the

telephone number listed below.

Respectfully submitted,

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